

REMARKS/ARGUMENTS

The Office Action mailed September 13, 2007 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claims 1 – 126 are pending. Claims 1 – 70 are objected to. Claims 71 – 126 have been canceled. The applicants appreciate the Examiner's diligence in ascertaining the patentability of the subject matter of claims 1 - 70.

Objection to the Specification

The Examiner has objected to the title as not being descriptive. In response, the applicants have amended the title to the following. "Image Modification Based on Red-Eye Filter Analysis"

Rejection of Claims 1 – 70 Based on Double Patenting

Claims 1 - 70 were rejected pursuant to the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of prior United States Patent No. 6,407,777 in view of United States Patent No. 5,748,764 to Benati et al. (Benati).

Submitted herewith to obviate this rejection is a Terminal Disclaimer in compliance with 37 CFR §321(c) and signed by an attorney of record, Thomas Van Zandt (Reg. No. 43,219). Accordingly, it is respectfully requested that the obviousness-type double patenting rejection be withdrawn.

Rejection of Claims 71 - 126

Claims 71 – 126 have been rejected as being anticipated by Benati or unpatentable over Benati in combination with other prior art cited references.

Applicants do not agree with the Examiner in regard to the proffered bases for rejection of any of the rejected subject matter, but have canceled claims 71 – 126 to further the prosecution

of this application. Applicants reserve the right to claim the rejected subject matter in a continuation application.

With this amendment it is respectfully submitted that the claims satisfy the statutory requirements.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Dated: December 10, 2007

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